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IAP7 Rec'd PCT/PTO 11 MAY 2006 Box 509

Date May 10, 2006 I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Kim Blum
Name (Print)

Kim Blum
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Chano et al.)	Examiner:	Unassigned
)		
Application No.:	10/516,558)	Group Art Unit:	Unassigned
)		
Filed:	November 30, 2004)	Confirmation No.:	2830
)		
Docket No.:	3190-070)	Customer No.:	33432

For: RB1 GENE INDUCED PROTEIN (RB1CC1) AND GENE

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 10, 2006

Dear Sir:

In response to the Notification of Defective Response dated April 12, 2006, the applicants respond as follows.

The history of the present application is summarized as follows. In a Notification of Defective Response dated October 19, 2005, the U.S. Patent and Trademark Office alleged that the copy of the Sequence Listing in computer-readable form has not been submitted as requested in the Notification of Missing Requirements mailed July 11, 2005. In response to this first Notification of Defective Response, the applicants responded in a letter dated October 26, 2005, providing evidence that a copy of the Sequence Listing in computer-readable form was submitted on January 25, 2005. In that letter, to assist the U.S. Patent and Trademark Office, a second computer-readable form of the Sequence Listing was submitted for the benefit of the U.S. Patent and Trademark Office. The applicants have now received a second Notification of Defective Response dated April 12, 2006. The second Notification of Defective Response stated that the copy of the Sequence Listing in computer-readable form has not been submitted as required by 37 C.F.R. §1.821(e) and

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that the notification attached a raw sequence listing error report from the STIC biotechnology systems branch.

On May 3, 2006, applicants' representative spoke to Mr. Gary Welsch from the PCT Help Desk, to inquire about the Notification of Defective Response dated April 12, 2006. From checking the U.S. Patent and Trademark Office's computer records, Mr. Welsch indicated that on February 2, 2006, an entry into the computer system was made showing that the computer-readable form of the Sequence Listing was proper and accepted. However, an entry dated March 15, 2006 indicated that the computer-readable form was in not proper and not accepted. Mr. Welsch stated that it is confusing why the CRF was indicated as proper and accepted on February 2, 2006, but was then indicated as not proper and not accepted on March 15, 2006. Mr. Welsch directed applicants' representative to Ms. Anne Corrigan from the STIC biotechnology systems branch. In a conversation with applicants' representative, Ms. Corrigan stated that the PCT branch sent to her the first-filed CRF of the Sequence Listing late and that this first-filed CRF was reviewed by her after the second-filed CRF (which she reviewed earlier and found to be in compliance with 37 C.F.R. 1.821(e)). In light of this, Ms. Corrigan contacted Ms. Catherine Short of the PCT Branch to request that the Notice to Comply be rescinded.

The applicants' representative then spoke to Ms. Short, Ms. Donna Greene, and Ms. Patricia Booker of the PCT Branch to request that the Notice of Defective Response dated April 12, 2006, be rescinded. Both Ms. Greene and Ms. Short stated that they would look into the matter. In a conversation with applicants' representative on May 3, Ms. Booker stated that she would correct the problem and call back regarding this matter as soon as possible. However, since that time, the applicants' representative attempted to contact Ms. Booker, Ms. Greene, and Ms. Short on several occasions, but has not been successful.

To assist the U.S. Patent and Trademark Office, a third computer-readable form of the Sequence Listing is submitted for the benefit of the U.S. Patent and Trademark Office. It is respectfully noted that all records of the U.S. Patent and Trademark Office shall reflect the timely submission of this Sequence Listing in computer-readable form on January 25, 2005 or on October 25, 2005. If the U.S. Patent and Trademark Office has sent a notice of rescinding the Notice of Defective Response already, applicants respectfully request that this third computer-readable form of the Sequence Listing not be reviewed in order to prevent delay of the prosecution of the present

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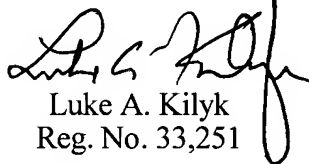
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application. In the event that the U.S. Patent & Trademark Office has not sent out a notice of rescinding the Notice of Defective Response yet, applicants respectfully request that the Office consult with PCT personnel regarding this matter, so that this third computer-readable form of the Sequence Listing does not have to be reviewed in order to prevent needless duplication of work and delay of the prosecution of the present application. The applicants reserve the right to seek correction in this matter should the U.S. Patent & Trademark Office not correct their records on this point.

The U.S. Patent and Trademark Office is encouraged to contact the undersigned should there be any remaining questions with respect to this matter.

In the event that any fees are due with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,



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Reg. No. 33,251

Docket No.: 3190-070
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,558	Tokuhiro Chano	3190-070

INTERNATIONAL APPLICATION NO.

PCT/JP03/00882

I.A. FILING DATE

PRIORITY DATE

01/30/2003

Kilyk & Bowersox
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CONFIRMATION NO. 2830

371 FORMALITIES LETTER



OC000000018503830

Date Mailed: 04/12/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Copy of the International Application filed on 11/30/2004
- English Translation of the IA filed on 01/25/2005
- Copy of the International Search Report filed on 11/30/2004
- Copy of IPE Report filed on 11/30/2004
- Preliminary Amendments filed on 01/25/2005
- Information Disclosure Statements filed on 01/25/2005
- Oath or Declaration filed on 01/25/2005
- Biochemical Sequence Listing filed on 11/30/2004
- U.S. Basic National Fees filed on 11/30/2004
- Priority Documents filed on 11/30/2004

Applicant's response filed 01/25/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/11/2005 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under

37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

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FORM PCT/DO/EO/916 (371 Formalities Notice)